IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 21417 of 2004

Between:

Smt. ;Jivi Bai, W/o. Late Omkar,
R/o. Near Chola Mandir Zopadi, Bhopal City, Bhopal, Madhya Pradesh.

..... PETITIONER

AND

1 The Inspector General of Police, Govt of A.P., Hyderabad.
2 The Superintendent of Police, Anantapur District, Anantapur.
3 The S.H.O., I Town P.S., Anantapur Town, Anantapur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an appropriate order writ or direction more particularly one in the nature of Writ of Habeas Corpus, directing the respondents herein to produce the detenues viz., (i) Smt. Ganga W/o. Late Jaggu, age 36 Years (ii) Lalu S/o. Omkar, aged 40 years and (iii) Raju S/o. Ramlal, Aged about 25 years, all are residents of Near Chola Mandir, Zopadi, Bhopal City Bhopal, Madhya Pradesh before this Hon'ble Court and set them at liberty after declaring their detention as illegal, arbitrary and unconstitutional and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.H.E.BASAVARAJ

Counsel for the Respondents: THE ADVOCATE GENERAL

The Court made the following:

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ORAL ORDER: (per BN.J.)

By our order dated 7.12.2004, we had directed the District Judge, Anantapur to conduct an enquiry on the following issues:

1. When were the detenus detained by the police?

2. Whether they were put to third degree methods in the police station?

3. Whether the safeguards provided by the judgment of Supreme Court reported in **D.K. Basu v. State of West Bengal** (1997 (1) SCC 416) were complied with or nor?

Accordingly the learned District Judge submitted his report. We have perused the said report.

2. It is clear from the report of the District Judge that the detenus were in fact in illegal confinement from 21.11.2004 at 10 AM till 22.11.2004 at 7 AM. Novel reasons were given by the police before the District Judge for keeping the detenus in the custody and the said novel reasons were accepted by the learned District Judge terming the detention to be for technical purposes.

3. Now the detenus have approached the appropriate Court for bail. Therefore, we do not want to pass any further orders in this Writ Petition. However, the police should ensure that once a person is arrested, his arrest is shown and not to keep him in custody for so called technical purposes.

4. With the above observation, the Writ Petition is disposed of.

(BILAL NAZKI, J.)

20th December, 2004.

(G.YETHIRAJULU, J.)

SSR

To

1 The Inspector General of Police, Govt of A.P., Hyderabad.
2 The Superintendent of Police, Anantapur District, Anantapur.
3 The S.H.O., I Town P.S., Anantapur Town, Anantapur.

4 2CCs to the learned Advocate General, High Court of A.P. (OUT)

5 2CD copies.